

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

Marko Boskic
111 Foster Street, Apt. 11
Peabody, MA

CRIMINAL COMPLAINT

CASE NUMBER: 04-MCC-37-LPC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about _____ various dates _____ in _____ Suffolk _____ county, in the

_____ District of _____ Massachusetts _____ defendant(s) did, (Track Statutory Language of Offense)

in count one and in count two, knowingly make under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribed as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presented any such application, affidavit, or other document which contained any such false statement or which failed to contain any reasonable basis in law or fact

in violation of Title _____ 18 _____ United States Code, Section(s) _____ 1546(a) _____

I further state that I am a(n) _____ Senior Special Agent _____ and that this complaint is based on the following facts:
Official Title

see attached affidavit

Continued on the attached sheet and made a part hereof:

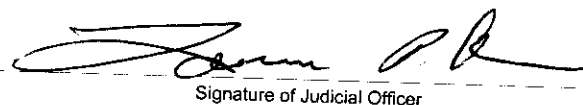
☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

August 25, 2004 _____ at Boston, MA _____
Date City and State

Lawrence P. Cohen - USMS
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT OF SENIOR SPECIAL AGENT GREGORY C. NEVANO

I, Gregory C. Nevano, being duly sworn, hereby depose and state as follows:

1. I am a Senior Special Agent with the Bureau of Immigration and Customs Enforcement ("ICE"), formerly the Immigration and Naturalization Service ("INS"). I have been employed with ICE since 1991, and have conducted several criminal investigations involving immigration fraud. I am presently assigned to the Joint Terrorism Task Force ("JTTF") within the ICE Boston, Massachusetts Field Office.
2. I make this affidavit in support of a criminal complaint charging Marko Boskic ("BOSKIC"), date of birth 7/9/64, with two counts of fraud and misuse of visas, permits, and other documents, in violation of Title 18, United States Code, Section 1546(a). Specifically, on September 3, 1999, BOSKIC committed immigration document fraud by making a material false statement by not revealing his participation in the Bosnian-Serb 10th Sabotage Detachment, which military unit was involved in the genocide of thousands of Muslims during the Bosnian conflict in 1995, on Form I-590, registration for classification as a refugee in the United States. Moreover, on April 5, 2001, BOSKIC committed immigration fraud by making a material false statement by not revealing his participation in the Bosnian-Serb 10th Sabotage Detachment, which military unit was involved in the genocide of thousands of Muslims during the Bosnian conflict in 1995, on Form I-485, application to register as a lawful permanent resident.
3. The information set forth in this affidavit is based on my own investigation, and my review of ICE records, as well as information provided by other law enforcement officials. This affidavit does not contain every fact that I have learned during the course of this investigation, but instead has included only those facts which I believe establish the requisite probable cause.
4. ICE indices reveal that BOSKIC entered the United States on or about April 26, 2000, as a refugee from Bosnia and Herzegovina ("BiH"), under the name Marko Boskic, born on July 9, 1964. BOSKIC presently lives in Peabody, Massachusetts.
5. The former Federal Republic of Yugoslavia began to disintegrate in 1991 and war continued in portions of the former Yugoslavia until 1999. Present day BiH was in the central section of the former Yugoslavia. The war in BiH lasted from 1992 until the autumn of 1995. The Army of the Republic Srpska ("VRS") was the Bosnian Serb army which formed as Yugoslavia separated. The members of the VRS were predominantly ethnic Serbs who wanted to annex portions of eastern Bosnia to Serbia for the creation of an ethnically pure "greater Serbia." In doing so, the mainly Bosnian Muslim inhabitants of eastern Bosnia were displaced. Specifically, the 10th Sabotage Detachment, a unit of the VRS, was involved in the killing of thousands of Bosnian Muslims at Srebrenica in July 1995.

6. BOSKIC originally filed an application for refugee status (Form I-590) on September 3, 1999, in Frankfurt, Germany. At the time BOSKIC filed his application for refugee status, he also completed a supplemental questionnaire (an addendum to Form I-590), Form G-325C (biographical information), and Form G646 (statement certifying that the alien does not fall within a class of people inadmissible to the United States.) The application was sworn to in Frankfurt on February 17, 2000. As a result of BOSKIC's approved petition he was admitted into the United States on April 26, 2000.
7. In accordance with the application, BOSKIC answered several questions regarding his prior behavior that determined his admissibility status as a refugee. According to BOSKIC's Form I-590, he claimed that the reason he fled from Bosnia was because of his "refusal to join the army to fight in the war – I didn't want to fight in an ethnic war against people I lived with – I was forced to flee. Also because I am a Croat I didn't want to fight." Under the section requiring the applicant to report all past military service, BOSKIC reported only his state-mandated Yugoslavian People's Army ("JNA") service in 1983-1984.
8. The supplemental questionnaire to Form I-590 requested further specific information from the applicant as to the character of the persecution they faced in their home country, making them eligible to become refugees in the United States. In response to the question asking whether the applicant had resided in a third country since he left Bosnia, BOSKIC responded affirmatively indicating that he was

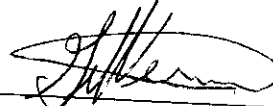
in Sremska Mitrovica in Yugoslavia from late October 1994 to early December 1998 and had refugee status but received a call-up notice to go and fight in the war in Kosovo, so [he] left Yugoslavia and came to Berlin to stay with [his] brother.
9. During the war, the Yugoslav Red Cross registered displaced refugees in Sremska Mitrovica, a town approximately 40 kilometers east of the border between Bosnia and Serbia. BOSKIC expanded on his detention in Sremska Mitrovica in a separate handwritten statement attached to his refugee application, again reiterating that he was in Sremska Mitrovica from the end of 1994 through December 1998, when he received the call up notice and left for Germany. Additionally, Form G-325C requested address information from the applicant to which BOSKIC responded that he lived in Sremska Mitrovica from November, 1994 to December, 1998.
10. On April 5, 2001, BOSKIC applied to become a permanent resident alien (Form I-485). The application asks the applicant to

list your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write 'none.'

In response, BOSKIC wrote "1983-1985 Yugoslavia military." BOSKIC signed the statement under the pains and penalties of perjury.

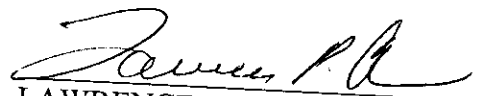
11. The International Criminal Tribunal for the Former Yugoslavia ("ICTY"), an ad hoc criminal tribunal formed by the United Nations in 1993 to deal with war crimes committed in Yugoslavia during the war, has provided a video of an awards ceremony of the 10th Sabotage Detachment, a unit of the VRS, which includes images of BOSKIC in uniform. The opening frame reads "The First Anniversary Celebration of the 10th Sabotage Unit" and it is dated October 14, 1995. Each of the soldiers is wearing a military uniform and an identifiable 10th Sabotage Detachment patch on his sleeve.
12. CW1, a former soldier of the 10th Sabotage Detachment, has reviewed the above video. He has indicated that the awards ceremony took place in the fall of 1995. CW1 was himself present at the ceremony and identified himself in the video. CW1 also identified several other individuals in the video, including General Radislav Krstic, a senior general in the VRS whose genocide conviction by the ICTY has recently been affirmed. General Krstic conducted the ceremony along with Lt. Milorad Pelemis, the commander of the 10th Sabotage Detachment. CW1 also indicated that he and BOSKIC served in the 10th Sabotage Detachment together and has identified BOSKIC in the video as standing in uniform, in the front row holding a rifle.
13. I compared the awards ceremony video of BOSKIC to the photograph attached to BOSKIC's refugee application. They appear to me to be the same person.
14. BOSKIC's membership in the 10th Sabotage Detachment was material to ICE's determination as to whether he would have been admissible to the United States as a refugee (Form I-590) and whether he would have been granted lawful permanent resident status (Form I-485).

15. Based on the foregoing, I believe that probable cause exists, that on September 3, 1999, BOSKIC knowingly made a false statement with respect to a material fact by not revealing his participation in the Bosnian-Serb 10th Sabotage Detachment, which military unit was involved in the genocide of thousands of Muslims during the Bosnian conflict in 1995, on Form I-590, registration for classification as a refugee in the United States, in violation of Title 18, United States Code, Section 1546(a). Moreover, I believe that probable cause exists, that on April 5, 2001, BOSKIC knowingly made a false statement with respect to a material fact by not revealing his participation in the Bosnian-Serb 10th Sabotage Detachment, which military unit was involved in the genocide of thousands of Muslims during the Bosnian conflict in 1995, on Form I-485, application to register as a lawful permanent resident, in violation of Title 18, United States Code, Section 1546(a).



Gregory C. Nevano SrSA
ICE Boston, MA

Subscribed and sworn to before me this 25th day of August, 2004.



LAWRENCE P. COHEN
United States Magistrate Judge

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense:

Category No. IIInvestigating Agency FBI/ICECity Boston**Related Case Information:**County Suffolk

Superseding Ind./ Inf. _____

Case No. _____

Same Defendant _____

New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name Marko Boskic

Juvenile

☐ Yes☒ No

Alias Name _____

Address 111 Foster Street, Apt. 311, Peabody, MassachusettsBirth date: 1964SS#: — — 0463Sex: MRace: caucasianNationality: Bosnian

Defense Counsel if known: _____

Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Kim West

Bar Number if applicable _____

Interpreter:

☒ Yes☐ No

List language and/or dialect: _____

Bosnian

Matter to be SEALED:

☒ Yes☐ No☒ Warrant Requested☐ Regular Process☐ In Custody

Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____☐ Serving Sentence☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____

on _____

Charging Document:

☒ Complaint☐ Information☐ Indictment

Total # of Counts:

☐ Petty☐ Misdemeanor☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date:

Signature of AUSA: _____